

# Increasing licensing and planning powers to reformulate unhealthy food sold to children



## A submission from Sustain to the National Food Strategy call for evidence

We believe the tools currently available to local authorities, despite their best efforts, are not up to the task of tackling child obesity. The National Food Strategy should explore more impactful approaches such as restricting sale to children of food that would fail the nutrient profile model before 6pm on weekdays.

Young people are growing up in an obesogenic environment: but councils find that their powers and responsibilities to create healthier communities are limited. One opportunity open to local authorities to create healthier environments listed in the Government's 2018 Childhood obesity plan is to limit the opening of additional fast food outlets close to schools and in areas of over-concentration.

Sustain has looked at how councils across England are using their planning powers to tackle the predominance of hot food takeaways and have heard from planners and their public health colleagues on the challenges of tackling long term health issues. However, planning tools are limited instruments in this situation so they must be used alongside other council and business led initiatives.

### What impact would it have?

In order to halve childhood obesity by 2030 we need more radical action at a national and local level. Talk on the diets of children in and around the school day has gone around in circles for many years, with progress in some school food being offset by the diets of teenagers, particularly in more deprived areas, shifting to snacking or additional meals before and after the school day, often on the routes to and from schools. The obesogenic environment that these children live in provides limited access to healthy food options, and sees a proliferation of hot food takeaways and other outlets selling nutrient poor food.

A Gateshead analysis sampling from all its 187 independent takeaways found a large proportion of the takeaway food contained more calories, fat and saturated fat in one portion than 66% of the recommended daily intake for a female, and in many cases nearly 100% of the recommended daily intake.

There are more hot food takeaways near schools in deprived areas and children who spend time in deprived neighbourhoods tend to eat more fast food and have higher BMIs. (Turbutt et al. 2018)

A study into fast food in Cambridgeshire found, on average, people in socially disadvantaged groups are more likely to be overweight. They tend to have less time for cooking, less knowledge about healthy eating and less money for healthy food. (Burgoine, T et al. 2016).

Currently Councils' regulatory powers on these outlets are limited via Environmental Health and planning policy. Areas of over-concentration cannot be reversed and because areas of deprivation have been targeted as locations for businesses, these are most likely to already be at saturation point. Equally many other retail premises sell hot or cold food to eat off the premises. Voluntary

approaches are labour intensive and the impact of them is in many cases unsubstantiated or temporary.

### **Good Practice**

Sustain's forthcoming report on Hot Food Takeaways (attached separately) includes examples of policies from around the UK, including Gateshead's which has resulted in an overall reduction in applications for A5 uses which has not resulted in an increase of vacant retail units. Planning policy is part of the Council's wider set of initiatives to tackle obesity.

The Greater London Authority has proposed a blanket ban on new A5 outlets (takeaways) within 400m of schools. Outside of these locations, it has also proposed that any A5 developments operate in compliance with the Healthier Catering Commitment standard (a London based voluntary scheme). These have recently been approved by Planning Inspectors.

As participants in a Childhood Obesity Trailblazer Programme, Blackburn with Darwen Council aim to test their planning powers to restrict food retailers that do not offer healthier options and to test a range of levers to incentivise them to improve their offer.

### **What does this big idea need to succeed?**

Planning policies can be effective in reducing new hot food takeaways near schools. However, they do not provide powers for areas that want to take further steps to tackle child obesity.

Whilst the National Food Strategy should champion more widespread uptake of this planning policy, we need additional tools that are fit for the future, with the rise of online takeaway apps replacing trade in physical outlets. We need tools that have clout. Too often voluntary efforts have not been cost effective and have often seen single businesses shift their practices for a short time before reverting to old practices.

The National Food Strategy should champion exploration of other tools:

- Introducing licenses to sell food that is high in fat, salt or sugar e.g. that would fail the Nutrient Profile Model – akin to alcohol licenses;
- Introducing licenses or planning permission being linked to signing up to - or paying for - quality marks, such as the London Plan links to the Healthier Catering Commitment;
  - This could help pay for local authority public health or environmental health teams to provide support to help smaller businesses understand how to change their menus and to monitor adherence with such regulations;
  - These policies should apply to other use class units, or online retail, so as not to disproportionately affect takeaway outlets.
- Limiting opening times; or restricting what can be sold to children within certain hours: no food failing the nutrient profile model to be sold before 6pm on weekdays;
  - As with the Soft Drinks Industry Levy and the ban on junk food advertising on Transport for London, this may lead to a reformulation of products, or a focus on those products that comply.
- A review of Town and Country Planning Use Classes eg differentiating between town centre uses: food & drink as leisure, & local centres.

We recommend that in exploring these options, their wider impact is considered. Families' ability to afford a healthy diet is intricately linked with income, and many hot food takeaways in deprived areas with higher obesity rates are staffed by those who may otherwise struggle to earn. No local authority wants boarded up high streets. So, whilst such new tools need to go beyond voluntary approaches, they should aim to shift the quality of food that is served rather than put them out of business.

**To further discuss the proposals in this submission, please contact Ben Reynolds, [ben@sustainweb.org](mailto:ben@sustainweb.org)**

### **List of references and links to supporting evidence**

Forthcoming reports

- Sustain, 2019, Hot Food Takeaways: Planning a route to healthier communities  
<https://www.sustainweb.org/publications/>
- PHE, 2019, Using the planning system to promote healthy weight environments

LGA, 2016 Tipping The Scales, Case studies on the use of planning powers to limit hot food takeaway  
<https://www.local.gov.uk/tipping-scales>

Department of Health and Social Care, 2018, Childhood obesity: a plan for action, chapter 2  
<https://www.gov.uk/government/publications/childhood-obesity-a-plan-for-action-chapter-2>

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<https://www.gov.uk/government/publications/childhood-obesity-applying-all-our-health/childhood-obesity-applying-all-our-health>

PHE, 2017, Spatial Planning for Health An evidence resource for planning and designing healthier places.  
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PHE Health matters: obesity and the food environment 2017  
<https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/health-matters-obesity-and-the-food-environment--2#call-to-action>

TCPA (2017) Garden City Standards for the 21st Century: Practical Guides for Creating Successful New Communities, Guide 8: Creating health promoting environments)  
<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=b6e27c46-3fc5-4d88-a59c-e172f797bbb3>

Gateshead Council, 2013, The Gateshead Independent Takeaway Study Analysis of Nutrient Data, cited in: <https://www.gateshead.gov.uk/media/1910/Hot-Food-Takeaway-SPD-2015/pdf/Hot-Food-Takeaway-SPD-2015.pdf>

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Burgoine, T et al. Does neighborhood fast-food outlet exposure amplify inequalities in diet and obesity? A cross-sectional study. *Am J Clin Nutr*; 11 May 2016.

<https://academic.oup.com/ajcn/article/103/6/1540/4569622> Referenced at:  
<https://www.cedar.iph.cam.ac.uk/local-takeaways-create-a-double-burden-for-obesity/>

The London Plan. 2019. Greater London Authority (paragraphs 400 – 411).  
[https://www.london.gov.uk/sites/default/files/london\\_plan\\_report\\_2019\\_final.pdf](https://www.london.gov.uk/sites/default/files/london_plan_report_2019_final.pdf)

Childhood Obesity Trailblazer Programme. 2019. <https://www.local.gov.uk/childhood-obesity-trailblazer-programme>

And more details on Blackburn with Darwen Trailblazer: <http://www.foodactive.org.uk/pennine-lancashire-childhood-obesity-trailblazer-healthy-place-healthy-future/>

Routing Our Childhood Obesity. 2019. RSPH. <https://www.rsph.org.uk/about-us/news/rsph-calls-for-better-routes-home-from-school-to-tackle-childhood-obesity.html>